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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**970 CIVIL APPLICATION NO. 13113 OF 2009
IN WP/1299/2006**

LAXMIKANT VISHWANATHRAO KULKARNI AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

....

Mr S. D. Kotkar, Advocate for Applicants;

Mr N. S. Tekale, A.G.P. for Respondent Nos.1 to 3

Mr P. D. Suryawanshi, Advocate for Respondent Nos.4 & 5

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 20th September, 2024

PER COURT:

1. The Writ Petition was dismissed for default. Delay of 43 days is caused in filing this Civil Application, seeking restoration of the Writ Petition.

2. The learned A.G.P. has already appeared for Respondent Nos.1 to 3. Shri. Suryawanshi, the learned Advocate appears for Respondent Nos.4 and 5.

3. Heard the learned Advocate for the respective sides. The Respondents oppose the condonation of 43 days delay.

(2)

4. For the reasons set out, **this Civil Application is allowed**. Delay of 43 days is condoned. The Writ Petition stands restored at the stage, at which it was dismissed.

5. List the Writ Petition No.1299/2006 for ‘final hearing’ on 16/10/2024.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk